

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

DR 1999-002037

06/06/2003

HONORABLE A. CRAIG BLAKEY II

CLERK OF THE COURT
J. Billingsley
Deputy

IN RE THE MATTER OF
MICHAEL WAYNE BOWLING

FILED: 06/18/2003

MICHAEL WAYNE BOWLING
14244 E. 29TH PL
YUMA AZ 85367-2940

AND

TIFFANI DEANN JOHNSON

TIFFANI DEANN JOHNSON
1732 W. ANGELFIRE TER.
PHOENIX, AZ 85027

ROLAND ARROYO
CONCILIATION SERVICES-CCC
OFFICE OF CONTRACT COUNSEL

MINUTE ENTRY

3:36 p.m. This is the time set for Emergency Hearing. Petitioner is present on his own behalf. Respondent is present on her own behalf.

A record of this proceeding is made by CD (FTR) in lieu of a court reporter.

Discussion is held regarding the status of the case.

Michael Bowling and Tiffani Johnson are sworn and testify.

Thomas Brown is sworn and testifies.

THE COURT FINDS that neither party presents a convincing case as to why either should be designated as the primary residential parent of their minor child, Eric (dob: 2/11/98).

IT IS ORDERED referring this matter to Conciliation Services for Dispute Assessment.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

DR 1999-002037

06/06/2003

THE COURT FINDS that the child has been living for approximately the past 3 weeks with Father in the paternal uncle's residence in Yuma, Arizona. The Court will retain jurisdiction in this matter until further order of the Court.

APPOINTMENT OF GUARDIAN AD LITEM

IT IS ORDERED appointing **Roland Arroyo** as Guardian Ad Litem to represent the minor child, **Eric** in this case.

IT IS FURTHER ORDERED that the Guardian Ad Litem shall have authority to:

- a) Meet with the children;
- b) Meet and interview the parents;
- c) Visit the home(s) of the parents to determine if the environments are appropriate for the children;
- d) Investigate and review both parents' backgrounds with regard to criminal arrests and convictions;
- e) Determine if drug testing by either or both parents is needed;
- f) Review the children's school/daycare records, psychological evaluations, and counseling records;
- g) Visit and interview the children's daycare provider; and
- h) Review any police, court, or Child Protective Services reports concerning the children.

IT IS FURTHER ORDERED that any and all day care, schools, school districts and personnel thereof shall fully cooperate with guardians ad litem representing the children in this action by allowing access to all educational records of the children, including but not limited to records pertaining to day care/school attendance, behavior, academic progress, and psychological evaluations, and shall discuss the contents and meaning thereof with him/her.

IT IS FURTHER ORDERED that any and all hospitals, doctors' offices and personnel thereof shall fully cooperate with guardians ad litem representing the children in this matter by allowing access to all medical/dental records of the children, including but not limited to records pertaining to diagnosis, treatment, and prognosis, and shall discuss the contents and meaning thereof with him/her.

The Guardian Ad Litem shall attend all court hearings concerning the children unless excused by the Court upon written motion, and shall report to the Court in writing or orally at the hearing.

The Guardian Ad Litem has limited immunity consistent with Arizona case law applicable to Officers of the Court as to all actions undertaken pursuant to the Court appointment and this Order.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

DR 1999-002037

06/06/2003

Any alleged impropriety or unethical conduct by the Guardian Ad Litem shall be brought to the attention of the Court in writing.

IT IS FURTHER ORDERED that the Guardian Ad Litem review all CPS records regarding the parties and any other children of the parties not common to both parties.

IT IS FURTHER ORDERED that the Petitioner/Father shall provide the Court with the address and telephone number of the residence in Yuma, Arizona prior to leaving court today.

IT IS FURTHER ORDERED on a temporary basis, that Father shall have custody of the minor child.

IT IS FURTHER ORDERED that the child shall not be removed from the state of Arizona by either party without obtaining a prior order of the Court, except for any vacations discussed with the other party at least 30 days in advance.

IT IS FURTHER ORDERED that a copy of any vacation itinerary shall be provided to the non-custodial parent.

IT IS FURTHER ORDERED that Mother shall have telephonic contact with the minor child once per day for up to 10 minutes per day.

IT IS FURTHER ORDERED that Mother may have parenting time with the minor child each weekend in Yuma, Arizona, or as agreed upon by the parties.

THE COURT FINDS that the child is currently in a more stable environment residing in the paternal uncle's home.

IT IS FURTHER ORDERED that Father shall not remove the child from paternal uncle's residence without prior order of the Court.

IT IS FURTHER ORDERED that Father shall bring the child to the Dispute Assessment once it has been scheduled, so that Conciliation Services may interview the child should Conciliation Services feel it appropriate to conduct an interview of the child.

IT IS FURTHER ORDERED that Father shall produce himself and the minor child whenever the Guardian Ad Litem deems it appropriate to meet with Father or the child.

IT IS FURTHER ORDERED that neither party is to speak disparagingly of the other party in front of or discuss the case with the minor child. The parties are not to allow any third parties to do so either.

IT IS ORDERED that both parties shall participate in drug and alcohol testing.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

DR 1999-002037

06/06/2003

IT IS FURTHER ORDERED:

1. Each party shall appear in person at a location of TASC, Inc. as indicated on the TASC Referral Form, Father is to appear immediately, Mother is to appear no later than 10:00 a.m. June 7, 2003;
2. Each party shall present to TASC the Court Ordered Substance Abuse Testing form issued by this Court, and shall provide all information necessary for its completion;
3. Each party shall provide such samples as are reasonably required by TASC to comply with this Order. Each party shall submit to the Screen A drug test (full spectrum of drugs including alcohol).
4. Each party shall sign, execute and deliver such forms of consent and authorization as shall be reasonably required by TASC to comply with this Order;
5. The results of said testing shall be reported directly to this Court in writing by TASC, with copies provided to counsel for both parties, or directly to the parties, if unrepresented;
6. Each party shall report for subsequent testing as directed by TASC, and shall present a photo I.D. at time of testing, along with any prescription medications currently being taken;
7. Each party shall pay the costs of his or her own testing IN CASH, MONEY ORDER, OR CASHIER'S CHECK at the time of testing. Mother shall reimburse Father's brother within 15 days for any monies borrowed to pay for initial testing.
8. All parties are advised that the failure, neglect or refusal to participate in testing may be considered an admission by the party that the testing, if conducted, would have revealed the use of the substance(s) tested for, which finding is contrary to the best interest of the children; failure to submit to a drug test, absent good cause shown, may result in a finding of Contempt of Court, incarceration in the Maricopa County Jail, issuance of a Civil Arrest Warrant or other sanctions by the Court;
9. The parties are also advised that a diluted test specimen may be considered an attempt to conceal the presence of illicit drugs, which finding is contrary to the best interest of the children;
10. Each party shall be randomly tested NOT LESS THAN ONCE A WEEK, commencing within 24 hours of receipt of these orders and continuing until each party has four (4) consecutive negative tests;

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

DR 1999-002037

06/06/2003

11. The parties are hereby advised that test results ARE NOT confidential and will be filed in the Court file upon receipt by the Court.

ISSUED: Court Ordered Substance Abuse Testing (2)

IT IS FURTHER ORDERED setting Evidentiary Hearing in this matter on **September 4, 2003 at 2:00 p.m.** before:

THE HONORABLE A. CRAIG BLAKEY II

**Central Court Building
13th Floor, Courtroom 1302
201 West Jefferson Street
Phoenix, Arizona 85003
(Time allotted: 45 minutes)**

Presumptive time allocation: ½ per side

Issues to be heard:

- 1. Custody;**
- 2. Parenting Time;**
- 3. Child Support.**

IT IS FURTHER ORDERED all discovery shall be completed fourteen (14) days before the evidentiary hearing set herein.

IT IS FURTHER ORDERED that the parties shall submit a position statement outlining the issues to be heard and each party's bases for his/her position(s) regarding said issues not later than three (3) business days prior to hearing.

IT IS FURTHER ORDERED that each party shall exchange his or her exhibits and witness lists for the hearing with the other party not later than **five business days** prior to the hearing. **Failure to comply with this order may result in the preclusion of exhibits or witnesses.**

Exhibits

IT IS FURTHER ORDERED that both sides shall hand-deliver to the Clerk of this Division all exhibits to be used at the hearing **at least three (3) business days prior to the hearing.** Exhibits shall be accompanied with a numbered list of each exhibit and shall be separated with a blank sheet of paper. All hearing exhibits shall have been exchanged prior to that time. No duplicate exhibits shall be presented for marking. **If either party fails to comply**

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

DR 1999-002037

06/06/2003

with the steps for marking exhibits, that party's exhibits may be precluded from being marked at the hearing.

NOTE: All Court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting the division three (3) court business days before the scheduled hearing.

LET THE RECORD REFLECT that Petitioner was served with the papers regarding the Petition for Temporary Orders.

IT IS FURTHER ORDERED that the requirements of Rule 58(d) are waived out of necessity, on the part of the court, to shorten the administrative time involved in the processing of a separate written order and to conserve judicial resources. This minute entry is accordingly signed as the formal written order of the court.

4:32 p.m. Matter concludes.

/S/ HONORABLE A. CRAIG BLAKEY II

JUDICIAL OFFICER OF THE SUPERIOR COURT